

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

TOM PUTMAN  
R&ROG

OFFICE OF  
MANAGING DIRECTOR

December 20, 2004

Dan J. Alpert, Esq.  
Counsel for Pittman Broadcasting  
Services, LLC  
2120 N. 21<sup>st</sup> Road, Suite 400  
Arlington, VA 22201

Re: Request for Waiver of FY 2004  
Regulatory Fee  
Fee Control No. 00000RROG-04-086

Dear Sir:

This is in response to the petition for a waiver of the Fiscal Year 2004 (FY 2004) regulatory fee that you filed on behalf of Pittman Broadcasting Services, LLC (Pittman Broadcasting), licensee of Radio Station WMYQ (AM), Newton, Mississippi. You request a waiver, asserting that WMYQ is dark (not operating).

WMYQ is dark pursuant to a grant of temporary authority from the Commission. Our records confirm that the station has been silent since July 2, 2004. In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995), the Commission, noting that dark stations are generally either without or with greatly reduced revenues, and that imposition of a regulatory fee could be an impediment to the restoration of service by dark stations, held that it would waive the regulatory fee for stations which have ceased operation.

Accordingly, your request is granted and the FY 2004 regulatory fee for Pittman Broadcasting, as licensee of AM Radio Station WMYQ, is waived. The waiver shall remain in effect until the station is reactivated.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Reger  
Chief Financial Officer

The Law Office of

**Dan J. Alpert**

2120 N. 21st Rd.  
Suite 400  
Arlington, VA 22201

(703) 243-8690

(703) 243-8692 (FAX)

August 16, 2004

RECEIVED - FCC

Mr. Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> St. S.W.  
Washington, DC 20554

AUG 16 2004

Federal Communication Commission  
Bureau/Office

Re: WMYQ(AM)  
Newton, MS  
Facility No. 54950

Dear Mr. Fishel:

Pittman Broadcasting Services, LLC, by its attorney, hereby requests a waiver of its 2004 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

Pittman Broadcasting Services is licensee of Station WMYQ(AM), Newton, Mississippi. The station currently is dark. Attachment 1. Accordingly, a waiver of the 2004 Annual Regulatory Fee is appropriate.

**WHEREFORE**, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for Pittman Broadcasting Services,  
LLC

## ***Attachment 1***

The Law Office of  
**Dan J. Alpert**  
2120 N 21st Rd.  
Suite 400  
Arlington, VA 22201

(703) 243-8690

(703) 243-8692 (FAX)

July 15, 2004

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

**RECEIVED**  
JUL 15 2004  
Federal Communications Commission  
Office of Secretary

Re: **WMYQ(AM)**  
**Newton, MS**  
**Facility No. 54950**

Dear Ms. Dortch:

Please be advised that due to loss of its site, that effective on July 2, 2004, Station WMYQ has temporarily gone silent. If the silent condition lasts more than 30 days, consent to remain silent will be requested.

If there are any questions, please contact this office.

Very truly yours,

  
Dan J. Alpert

Counsel for Pittman Broadcasting Services,  
LLC

cc: Allen Myers (via e-mail)

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

DEC 01 2004

OFFICE OF  
MANAGING DIRECTOR

Robert Lewis Thompson, Esq.  
Smithwick & Belendiuk, PC  
5028 Wisconsin Ave., NW, #301  
Washington, D.C. 20016

Re: Robin Broadcasting Company, LLC  
Station WSBS-CA, Miami, FL  
FY 2004 Regulatory Fee Waiver Request  
Fee Control No. 00000RROG-04-090

Dear Mr. Thompson:

This is in response to your request dated August 19, 2004, for a waiver of the regulatory fee for Fiscal Year (FY) 2004, filed on behalf of Robin Broadcasting Company, LLC (Robin), licensee of station WSBS-CA, Channel 21, Miami, Florida, on the basis of financial hardship. Our records reflect that you have not paid the FY 2004 regulatory fee.

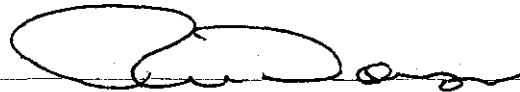
You recite that Robin is suffering "dire financial straits" and that the company experienced a net operating loss of nearly \$60,000.00 during the first seven months of 2004. In support, you submit a document entitled "Robin Broadcasting Company, LLC: Profit and Loss: January through July 2004" (*Profit and Loss Statement*). You state that the net operating loss shown on the *Profit and Loss Statement* does not include payments to principals, depreciation expenses, or amortization charges. You also state that "[n]o officer or Member of Robin LLC has ever been paid a salary [or any other remuneration]." Noting that the station was acquired by the current owners only eight months ago and that "the programming of this former 'infomercial' Class A station is scheduled for 're-launch' this Fall[.]" you maintain that "Robin is striving to keep its 'start-up' losses as modest as possible but . . . a forced payment of FCC regulatory fees . . . could adversely implicate the planned programming re-launch[.]"

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995). In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation or similar items are considered funds available to pay the fees.

Our review of the record, including the *Profit and Loss Statement*, indicates that Robin suffered a financial loss of \$58,568.21 in the January through July 2004 time period, exclusive of any charges for depreciation and amortization, or compensation paid to its principals and officers. Given that Robin suffered a financial loss in the January through July 2004 time period, we grant your request for a waiver of the regulatory fee for FY 2004.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', is written over a horizontal line.

Mark A. Reger  
Chief Financial Officer